

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

ELIJAH W. RATCLIFF	§	
v.	§	CIVIL ACTION NO. 9:05cv70
INDYMAC BANK FSB, ET AL.	§	

ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and a recommendation for the disposition of this action, has been presented for consideration. The Report and Recommendation recommends that Defendant Indymac Bank, F.S.B.'s Motion to Dismiss for Failure to State a Cause of Action Pursuant to Federal Rule of Civil Procedure 12(b)(6) (document #93) be granted and that the claims against the only remaining Defendant, Indymac, be dismissed with prejudice. Plaintiff filed written objections to the Report and Recommendation on March 13, 2006.

Having made a *de novo* review of the objections filed by Plaintiff and the response and reply thereto, the Court finds that the findings, conclusions and recommendation of the Magistrate Judge are correct and the objections are without merit. Therefore, the findings and conclusions of the Magistrate Judge are hereby adopted as those of the Court.

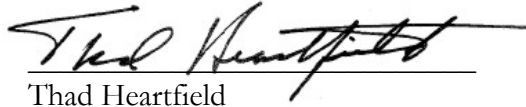
In light of the foregoing, it is

**ORDERED** that Defendant Indymac Bank, F.S.B.'s Motion to Dismiss for Failure to State a Cause of Action Pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED**. The other defendants to this lawsuit were previously dismissed on June 21, 2005. It is accordingly

**ORDERED** that the above-styled lawsuit is hereby **DISMISSED** with prejudice.

All motions not previously ruled on are **DENIED**.

**SIGNED** this the **20** day of **March, 2006**.



Thad Heartfield  
United States District Judge